

## H.B. 63

# PROBATE CODE AMENDMENTS REGARDING HOMICIDE

SENATE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 9, 2006 10:47 AM

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Senator **David L. Thomas** proposes the following amendments:

1. *Page 3, Lines 76 through 88:*

76           (7) [~~After all right to appeal has been exhausted, a judgment of conviction establishing~~  
77 ~~criminal accountability for the felonious and intentional killing of the decedent conclusively~~  
78 ~~establishes the convicted individual as the decedent's killer for purposes of this section. In the~~  
79 ~~absence of a conviction, the] The court, upon the petition of an interested person, shall  
80 determine whether, under the preponderance of evidence standard, the individual [would be  
81 found criminally accountable for the felonious and intentional killing] has committed a  
82 disqualifying homicide of the decedent. If the court determines that, under that standard, the  
83 individual [~~would be found criminally accountable for the felonious and intentional killing] has  
84 committed a disqualifying homicide of the decedent, the determination conclusively establishes  
85 that individual as [~~the decedent's killer] having committed a disqualifying homicide for  
86 purposes of this section **, unless the court finds that the act of disinheritance would create a manifest**  
**injustice** . A judgment of criminal conviction for a disqualifying homicide of the  
87 decedent, after all direct appeals have been exhausted, conclusively establishes that the  
88 convicted individual has committed the disqualifying homicide for purposes of this section.~~~~~~